

REMARKS

Claims 12, 19 and 25 stand rejected under 35 U.S.C. § 112, second paragraph as not being sufficiently definite. Claims 12-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US patent No. 6,237,023 (hereinafter Yoshimoto) in view of US patent application publication No. 2003/0041151 (hereinafter Senapati). Reconsideration of the rejections and allowance of all the pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 13, 15, and 17-23 are presently cancelled. Claims 1-11 were previously cancelled. Thus, claims 12, 14, 16 and 24-26 are pending.

As requested in the Office Communication, independent claims 12 and 25 have been amended to delete the terminology identified in the Office Communication as raising indefiniteness issues. Accordingly, the § 112, second paragraph rejections have been overcome and should be withdrawn.

Claim 12 is directed to a method for performing data transmission via a subscriber's connection in an Ethernet communication network. The method allows defining a connection data. The connection data includes a port identification that uniquely identifies a subscriber's connecting line corresponding to the subscriber's connection. The method further allows defining a subscriber data including a user name and a password. The connection data and the subscriber data in combination uniquely identify the subscriber's connection. The connection data and the subscriber data are transmitted via the subscriber's connection in accordance with a predefined protocol for the Ethernet communication network including at least a discovery stage to establish a session based on data supplied in one or more discovery messages. The connection data and the subscriber data are inserted as respective tags in into the discovery messages. The discovery messages are transmitted to the communication network via the subscriber's connection. A session via the subscriber's connection is authenticated by using the combination of the connection data and the subscriber data contained in the discovery messages. The session is established via the subscriber's connection upon a joint verification of the connection data and the subscriber data which in combination identify the subscriber's connection. This joint verification of the connection data and the subscriber data enhances a likelihood of accurately authenticating the session through the subscriber's connection.

It is respectfully submitted that Yoshimoto and Senapati, singly and in combination, fail to teach or suggest each of the structural and/or operational relationships set forth in claim 12. For example, it is felt that Yoshimoto and Senapati, singly and in combination, fail to teach or to suggest authenticating a session via the subscriber's connection by using the combination of the connection data and the subscriber data contained in the discovery messages. The session is established via the subscriber's connection upon a joint verification of the connection data and the subscriber data, which in combination identify the subscriber's connection. This joint verification of the connection data and the subscriber data enhances a likelihood of accurately authenticating the session through the subscriber's connection. Consequently, the Yoshimoto/Senapati combination fails to obviate claim 12 under the §103 statutory requirements and this rejection should be withdrawn. Since claims 14 and 16 include the structural and/or operational relationships respectively recited in claim 12, it is also respectfully submitted that the Yoshimoto/Senapati combination also fails to render unpatentable such dependent claims.

Claim 25 is directed to a communication device for a communication system for performing data transmission via a subscriber's connection in an Ethernet communication network. In view of the foregoing discussion regarding the limitations of the Yoshimoto/Senapati combination in connection with the claimed invention, it is respectfully submitted that such a combination similarly fails to obviate claim 25 (and claims depending there from) and these rejections should also be withdrawn.

(Please proceed to the next page.)

Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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